

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

UNITED STATES OF AMERICA

v.

OKELLO T. CHATRIE,

*Defendant.*

Case No. 3:19-cr-00130-MHL

**GOOGLE’S RESPONSE TO RULE 17(C) SUBPOENA**

Google LLC (“Google”) respectfully submits the Third Declaration of Marlo McGriff and accompanying Exhibits (“Third McGriff Declaration”) in satisfaction of the subpoena issued on July 20, 2020, pursuant to Federal Rule of Criminal Procedure 17(c) (ECF No. 133) (the “Subpoena”).<sup>1</sup> The Third McGriff Declaration and accompanying Exhibits respond to each request in the Subpoena by identifying, providing, or describing relevant information and records in Google’s possession. Google has thus complied with the Subpoena consistent with its obligations under Rule 17(c) by providing all information in its possession that is responsive, relevant, and not unduly burdensome. Fed. R. Crim. P. 17(c); *United States v. Nixon*, 418 U.S. 683, 699 (1974); *United States v. Richardson*, 607 F.3d 357, 368 (4th Cir. 2010).

To the extent the Subpoena requests records or information that Google does not possess; information relating to time periods outside the time period when Location History (“LH”) was enabled on the Google account that is the subject of the Subpoena (the “Subject Account”); information about LH opt-in processes that were not employed by the user of that account; and

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<sup>1</sup> Google is concurrently filing a motion to seal the Third McGriff Declaration and the accompanying Exhibits because these documents contain sensitive personal information. Google is also providing the declaration and exhibits to the parties and lodging them with the Court.

broad requests for information about “all” possible ways that users could activate various settings across “all” applications or platforms; Google objects on the ground that such requests are unduly burdensome, call for irrelevant information, or both.

Dated: July 31, 2020

Respectfully submitted,

/s/ Brittany Amadi

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